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Minn. R. Civ. App. P. 136.01, subd. 1(c).*

**STATE OF MINNESOTA  
IN COURT OF APPEALS  
A22-1073**

State of Minnesota,  
Appellant,

vs.

Mark Michael Mosley,  
Respondent.

**Filed January 17, 2023  
Affirmed  
Gaïtas, Judge  
Dissenting, Bjorkman, Judge**

Hennepin County District Court  
File No. 27-CR-21-15369

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Considered and decided by Gaïtas, Presiding Judge; Bjorkman, Judge; and Larson,  
Judge.

**NONPRECEDENTIAL OPINION**

**GAÏTAS, Judge**

In this pretrial appeal, appellant State of Minnesota challenges the district court's  
order granting respondent Mark Michael Mosley's motion to suppress evidence obtained

by police during a warrantless vehicle search. Because the totality of the circumstances did not establish probable cause to believe that the vehicle contained evidence or contraband, the warrantless search was unlawful, and we affirm.

### **FACTS**

Thirty minutes after a confidential reliable informant (CRI) reported that “he or she had personally observed a male in possession of a firearm inside a vehicle” and “this person was selling marijuana,” police stopped Mosley, who was driving the SUV that the CRI had described. Officers ordered Mosley out of the SUV, immediately arrested him, and began searching the SUV. In the rear of the SUV, officers found a small bag containing marijuana and a scale. Four minutes into the search, officers pried open part of the dashboard and located a gun.

Mosley, who was ineligible to possess a firearm, was charged with prohibited person in possession of a firearm under Minnesota Statutes section 624.713, subdivision 1(2) (2020). He moved to suppress the evidence, and the district court held an evidentiary hearing on the motion.

At the evidentiary hearing, the state first called Sergeant Schroeder. He testified that he had worked with the CRI “multiple times” and the CRI’s information was “always accurate, always timely, reliable.” According to Sergeant Schroeder, the CRI’s information had led to “dozens” of investigations and had resulted in arrests and convictions. For the tip that led to Mosley’s arrest, the CRI was paid \$300.

Sergeant Schroeder testified that, although he was not working at the time, the CRI contacted him directly at approximately 7:00 p.m. on March 9, 2021. The CRI had

“personally observed a male in possession of a firearm inside a vehicle.” According to Sergeant Schroeder:

I was provided the description of a vehicle, which was I believe a tan SUV, I don’t recall the make or model, and specifically a license plate. The license plate is listed in my report. . . . I was given a location of the vehicle, which was at the Winner Gas Station, which is located at 626 West Broadway, Hennepin County. And that this person was selling marijuana and possessing a firearm with an extended magazine. . . . The informant did provide a description as a Black male in their mid-20s. . . . The CRI stated that this male in possession of the handgun and selling marijuana was alone in the vehicle.

Sergeant Schroeder added, “[W]hen the CRI contacted me, it was right then and there. So right around 7:00.” He also testified that he “had seen the vehicle at the same location days prior” while monitoring police surveillance cameras in the area. Sergeant Schroeder emphasized that this was a high-crime location, noting, “[I]f I pulled up a Broadway Lyndale camera right now, you’d probably see 10 or 12 people openly selling marijuana or whatever they sell.”

The state also called Sergeant Pucley to testify at the evidentiary hearing. On March 9, 2021, Sergeant Pucley was on duty with a partner and wearing a body-worn camera. Shortly after 7:00 p.m., he received a report from Sergeant Schroeder that there was a Black male parked at the Winner Gas Station “who was in possession of a handgun.” Sergeant Pucley testified that Sergeant Schroeder gave him a license plate number and a description of the vehicle. According to Sergeant Pucley, he was not able to immediately respond to the information he received from Sergeant Schroeder. Approximately half an hour later, he drove to the gas station and observed the vehicle that Sergeant Schroeder had

described. As he “attempted to get into position to watch the vehicle,” it pulled out into the street. Sergeant Pucley got behind the vehicle and initiated a stop. The vehicle turned and then slowly drove about three-quarters of a block before fully stopping. Sergeant Pucley immediately took the driver—later identified as Mosley—into custody. He testified that he did so based on the report that Mosley had a gun, and because he was concerned about Mosley’s delay in stopping, during which Mosley could have concealed contraband or retrieved a gun. Sergeant Pucley detained Mosley in the back of the squad car while officers searched the SUV. During the search, officers found a Crown Royal bag containing marijuana and a digital scale. In a natural void behind the car radio, officers eventually located a handgun with an extended magazine. The state introduced video from Sergeant Pucley’s body-worn camera, which showed the events that occurred following the stop.

During the search, another officer—Officer Gregory—arrived on scene. According to Sergeant Pucley, Officer Gregory said he had just spoken with Mosley at the gas station. Officer Gregory and Mosley had been “joking about another male who was selling drugs at that location who wasn’t even trying to hide it.”

Following the evidentiary hearing, the district court issued a written order granting Mosley’s motion to suppress the evidence. According to the district court, the CRI’s tip, in conjunction with the limited information corroborated by the police before stopping Mosley, did not establish probable cause for the warrantless search of the SUV.

## DECISION

The state argues that the district court erred as a matter of law in granting Mosley's pretrial motion to suppress the evidence. According to the state, the police had probable cause to believe that the SUV contained evidence or contraband, and thus, the automobile exception to the constitutional search warrant requirement allowed the police to immediately search the SUV without a warrant.

When the state challenges a pretrial order on appeal, the state must first show "how the district court's alleged error, unless reversed, will have a critical impact on the outcome of the trial." Minn. R. Crim. P. 28.04, subd. 2(2)(b). The appellate court considers critical impact as a threshold issue before addressing the merits of the appeal. *State v. Osorio*, 891 N.W.2d 620, 627 (Minn. 2017). If the "lack of the suppressed evidence significantly reduces the likelihood of a successful prosecution," the district court's order critically impacts the state's case. *State v. Kim*, 398 N.W.2d 544, 551 (Minn. 1987).

The state asserts that the district court's suppression of the gun critically impacts its ability to prosecute Mosley for the charged gun offense, and Mosley agrees. Because the suppressed gun significantly reduces the likelihood that the state can successfully prosecute Mosley, the state satisfies the critical-impact requirement. We therefore turn to the merits of the state's appeal. *See State v. Lugo*, 887 N.W.2d 476, 481-87 (Minn. 2016) (noting that an appellate court can consider the merits of the state's pretrial appeal if the state establishes critical impact).

"When reviewing pretrial orders on motions to suppress evidence, [appellate courts] may independently review the facts and determine, as a matter of law, whether the district

court erred in suppressing—or not suppressing—the evidence.” *State v. Harris*, 590 N.W.2d 90, 98 (Minn. 1999). The appellate court will not reverse the district court’s factual findings in such a case unless they are “clearly erroneous or contrary to law.” *In re Welfare of G.M.*, 560 N.W.2d 687, 690 (Minn. 1997).

The Fourth Amendment of the United States Constitution, and article I, section 10 of the Minnesota Constitution, prohibit unreasonable searches and seizures. Warrantless searches and seizures are unreasonable under both the federal and state constitutions unless a recognized warrant exception applies. *Coolidge v. New Hampshire*, 403 U.S. 443, 454-55 (1971); *State v. Ortega*, 770 N.W.2d 145, 149 (Minn. 2009). The state must show that an exception to the warrant requirement applies. *State v. Licari*, 659 N.W.2d 243, 250 (Minn. 2003).

Here, the state contends that the warrantless search of the SUV was lawful under the automobile exception to the warrant requirement. When law enforcement officers have probable cause to believe that a motor vehicle contains evidence or contraband, a search warrant is not required. *State v. Flowers*, 734 N.W.2d 239, 248 (Minn. 2007) (citing *Maryland v. Dyson*, 527 U.S. 465, 467 (1999)). The automobile exception to the warrant requirement is justified by the transient nature of motor vehicles—because motor vehicles are mobile, “an immediate intrusion is necessary” if police officers are to seize an illicit item. *State v. Munson*, 594 N.W.2d 128, 135 (Minn. 1999) (quoting *United States v. Ross*, 456 U.S. 798, 806-07 (1982)).

Probable cause for a motor vehicle search exists where “there are facts and circumstances sufficient to warrant a reasonably prudent [person] to believe that the vehicle

contains contraband.” *State v. Lester*, 874 N.W.2d 768, 771 (Minn. 2016) (quoting *State v. Johnson*, 277 N.W.2d 346, 349 (Minn. 1979)). Determining whether there is probable cause requires an objective inquiry that evaluates the totality of the circumstances in a particular case. *Id.* Probable cause must be based on objective facts that would justify the issuance of a search warrant by a court, and not simply on the subjective good faith of the police. *Munson*, 594 N.W.2d at 136 (citing *Ross*, 456 U.S. at 808). The totality of the circumstances also includes the reasonable inferences that law enforcement officers may make based on their training and experience. *State v. Koppi*, 798 N.W.2d 358, 362 (Minn. 2011). When, as here, multiple law enforcement officers are involved in an investigation, it is permissible to consider the “collective knowledge” of the officers in determining whether probable cause existed. *State v. Riley*, 568 N.W.2d 518, 523 (Minn. 1997) (citing *State v. Conaway*, 319 N.W.2d 35, 40 (Minn. 1982)).

The state argues that the police had probable cause to search the SUV “because a CRI with a proven record of reliability personally observed criminal activity, and the information provided by the CRI was adequately corroborated.” An informant’s tip may establish probable cause for a search if it has sufficient indicia of reliability. *G.M.*, 560 N.W.2d at 690. To assess the reliability of an informant’s information, courts consider both the credibility of the informant and the basis of the informant’s knowledge. *State v. Cook*, 610 N.W.2d 664, 667 (Minn. App. 2000).

In *State v. Ross*, we identified six factors for assessing the reliability of confidential, but not anonymous, informants:

(1) a first-time citizen informant is presumably reliable; (2) an informant who has given reliable information in the past is likely also currently reliable; (3) an informant's reliability can be established if the police can corroborate the information; (4) the informant is presumably more reliable if the informant voluntarily comes forward; (5) in narcotics cases, "controlled purchase" is a term of art that indicates reliability; and (6) an informant is minimally more reliable if the informant makes a statement against the informant's interests.

676 N.W.2d 301, 304 (Minn. App. 2004), *rev. denied* (Minn. June 15, 2004).

The district court found that the CRI had provided police with credible information for over one year, and this information has led to evidence, arrests, and convictions. Based on these facts, the district court determined that the CRI was likely reliable. We agree with this determination.

But an informant's credibility is just one factor that a court must consider in assessing whether an informant's tip was sufficiently reliable to establish probable cause. Even when an informant is "undeniably credible," the state must also show that the informant had a basis for the knowledge passed on to police. *Cook*, 610 N.W.2d at 667-68. A basis for knowledge can be established through an informant's first-hand, personal knowledge, "such as when a CRI states that he purchased drugs from a suspect or saw a suspect selling drugs to another," or through "self-verifying details that allow an inference that the information was gained in a reliable way and is not merely based on a suspect's general reputation or on a casual rumor." *Id.* at 668.

Whether police corroborated important details of an informant's tip is relevant in assessing the informant's basis for knowledge. *Id.* Police do not need to corroborate every detail of an informant's tip for the tip to be reliable. *State v. Wiley*, 366 N.W.2d 265, 269



(Minn. 1985). “Even corroboration of minor details lends credence to an informant’s tip and is relevant to the probable-cause determination.” *State v. Holiday*, 749 N.W.2d 833, 841 (Minn. App. 2008). But corroboration is not sufficient to lend reliability to an informant’s tip if the only facts corroborated by police are “easily obtained.” *State v. Albrecht*, 465 N.W.2d 107, 109 (Minn. App. 1991); *see also Cook*, 610 N.W.2d at 669 (stating that police corroboration of a suspect’s location and appearance do not establish reliability of CRI’s information).

We also agree with the district court’s determination regarding the CRI’s basis of knowledge: the state’s evidence did not sufficiently explain the basis for the CRI’s claim that there was a gun in the SUV and that the male in the vehicle was selling marijuana. Although the CRI told Sergeant Schroeder that the CRI had “personally observed a male in possession of a firearm inside [the] vehicle,” that the gun had an extended magazine, and that the individual was selling marijuana, the tip did not reveal how the CRI had personally viewed a gun or knew about marijuana sales. It also included few details from which the reliability of the information could be inferred. The CRI did provide a detailed description of the vehicle, including a license-plate number. But the only description of the suspect was that he was a Black male in his mid-twenties and that he was alone. There were no details about the alleged marijuana sales. The CRI did not state whether the CRI had personally observed the suspect selling marijuana, whether the sales were occurring in or outside the vehicle, and whether there was just one sale or multiple sales. As to the firearm, the CRI provided no information suggesting that there was anything unlawful about the suspect’s possession of a gun.

Moreover, police corroboration of the CRI's information was lacking. Before stopping the SUV, the police only corroborated easily-obtained details—that, 30 minutes after the tip, the vehicle described by the CRI was at the location identified by the CRI. After initiating the stop, police observed that it took the SUV driver three-quarters of a block to pull over, but they did no additional investigation—and did not even identify Mosley as the driver—before commencing the warrantless search of the vehicle.

In many respects, the factual circumstances here are similar to *Cook*, where we affirmed the district court's order suppressing evidence. 610 N.W.2d at 669. There, a CRI informed police that Cook was selling crack cocaine in Minneapolis. *Id.* at 666. Within two weeks of providing that initial information, the CRI informed police that Cook was actively selling drugs at a public location in Minneapolis, and the drugs were in the waistband of Cook's pants. *Id.* The CRI gave a physical description of Cook and described Cook's vehicle, including his license plate number. *Id.* Within one hour of receiving the CRI's information, police arrived at the location, verified that the described car was there, and arrested Cook, who matched the CRI's description, as Cook entered the driver's side of the described car. *Id.* The district court suppressed the evidence, determining that the state failed to establish that the police had probable cause to arrest Cook. *Id.* at 665-66. In affirming, we explained that the CRI, who had a successful history of working with the police, was credible, but the CRI's tip, in conjunction with police corroboration of innocuous details, lacked a sufficient basis of knowledge. *Id.* at 668. We were particularly troubled that the CRI's information did not predict any suspicious conduct and did not establish a link between Cook and the alleged unlawful activity. *Id.*

There are a few differences between the factual circumstances in *Cook* and those here. Unlike *Cook*, the CRI told Sergeant Schroeder that the CRI had “personally observed” a firearm in the vehicle. Given this allegation, the CRI’s basis of knowledge may have been stronger. But the CRI’s information in *Cook* was more detailed than the information provided here. And the police in *Cook* corroborated more information before arresting Cook. Despite these factual variations, we conclude, as did the district court, that the circumstances in *Cook* and in this case are more similar than different. Based on *Cook*, we determine that the CRI’s basis of knowledge fell short of establishing the reliability of the CRI’s information.

This case is different than *Cook* in one critical respect, however. Unlike *Cook*, which addressed whether there was probable cause for a warrantless arrest, the question presented here is whether the police had probable cause to search the SUV. *Id.* at 666. To make that ultimate determination, we must address whether the facts and circumstances would have led a reasonably prudent person to believe that the SUV contained evidence or contraband. *Lester*, 874 N.W.2d at 771. We conclude that, in addition to the reliability problem we have identified, there was not probable cause for a warrantless vehicle search because the CRI’s information did not suggest that the SUV contained evidence or contraband.

The CRI’s tip—that there was “a male in possession of a firearm” in the SUV and the male was selling marijuana—did not sufficiently connect any criminal activity to the vehicle. Before searching the SUV approximately 30 minutes after the CRI’s tip, the police did not attempt to determine whether Mosley was the male who had possessed the gun and

sold marijuana. The CRI did not allege facts connecting the gun and marijuana to the vehicle specifically. There was no allegation that any marijuana sale occurred in the vehicle. And the tip did not specify that the gun was in the vehicle, as opposed to on the male's person.

Moreover, the CRI's tip did not include any information from which the police could infer that the male's alleged gun possession was even unlawful. At oral argument, the attorney for the state cited *State v. Williams* for the proposition that the police may have probable cause to arrest an individual for unlawful gun possession even absent specific information that the individual is not authorized to possess a gun. 794 N.W.2d 867 (Minn. 2011). In *Williams*, police investigating a robbery at gunpoint observed a gun in Williams's pocket before they arrested him near the robbery site. *Id.* at 869. The supreme court concluded that, under these circumstances, the police were not required to rule out the possibility that Williams had a gun permit before arresting him for possession of a pistol in a public place. *Id.* at 873. Here, by contrast, the police did not even see a gun before searching for one. And here, there were no other facts indicating that the alleged gun in the SUV was evidence of a crime or contraband. We therefore decline to extend *Williams* to justify the warrantless vehicle search in this case.

Furthermore, based on our review of other Minnesota cases applying the automobile exception to the constitutional warrant requirement, we are convinced that the information the police had was inadequate to support the warrantless search of the SUV under this exception. *Cf. Lester*, 874 N.W.2d at 769-70 (affirming search pursuant to the automobile exception where the CRI, who had personally observed the suspect making multiple heroin

sales, told police that the suspect would be making a future delivery of heroin to a specific location and described the suspect's appearance, and police surveillance confirmed that the suspect, driven by defendant, went to the designated location, met with a suspected customer, and engaged in multiple behaviors consistent with selling drugs from the vehicle); *Munson*, 594 N.W.2d at 136-37 (affirming search pursuant to automobile exception where the CRI told police about the time, place, and manner of a future cocaine delivery, police located a vehicle matching the CRI's description, and then confirmed the CRI's information about the identity of the occupants before beginning search); *Ross*, 676 N.W.2d at 303 (affirming search pursuant to automobile exception where the CRI told police that crack cocaine would be delivered to a specific address at a future time, police surveillance at the delivery location confirmed the CRI's detailed information about the suspect and the suspect's vehicle, and the CRI told police that the drugs were located in the vehicle's trunk). These cases suggest that the police must have more information than was available here before commencing a warrantless search of a vehicle.

Finally, we note that, "[i]n a close case, the lack of a warrant may weigh against a finding of probable cause." *Cook*, 610 N.W.2d at 667. Although this may be a close case, we agree with the district court that the state failed to satisfy its burden of proving that the automobile exception justified the warrantless search of Mosley's vehicle. Thus, the search of the vehicle violated Mosley's federal and state constitutional right to be free of unreasonable searches, and the district court did not err in suppressing the evidence as a remedy for the constitutional violation.

**Affirmed.**

**BJORKMAN**, Judge (dissenting)

I respectfully dissent. I agree with the majority that suppression of the contraband found in appellant Mark Mosley’s vehicle has a critical impact on the outcome of the case. *See* Minn. R. Crim. P. 28.04, subd. 2(2)(b). And I agree that the citizen informant—a confidential reliable informant (CRI)—was reliable based on their provision of reliable information in the past that led to numerous arrests and convictions. *See State v. Ross*, 676 N.W.2d 301, 303 (Minn. App. 2004), *rev. denied* (Minn. June 15, 2004). But I depart from my colleagues’ assessment of the totality of the circumstances. Because I conclude that the totality of the circumstances, including the CRI’s reliability and their direct, first-hand knowledge of the information provided, established a fair probability that contraband would be found in Mosley’s vehicle, I would reverse.

The United States and Minnesota Constitutions guarantee an individual’s right to be free from unreasonable searches and seizures. U.S. Const. amend. IV; Minn. Const. art. I, § 10. A search is constitutionally reasonable when it is conducted pursuant to a warrant issued based on probable cause. *State v. Holiday*, 749 N.W.2d 833, 839 (Minn. App. 2008) (citing *State v. Harris*, 589 N.W.2d 782, 787 (Minn. 1999)). But a search of a vehicle without a warrant is constitutionally reasonable if police have probable cause to believe that the vehicle contains contraband. *State v. Munson*, 594 N.W.2d 128, 135 (Minn. 1999) (first citing *United States v. Ross*, 456 U.S. 798, 806-07 (1982), and then citing *Carroll v. United States*, 267 U.S. 132, 149 (1925)). The touchstone in both situations is probable cause. Probable cause means “a fair probability that contraband or evidence of a crime will be found in a particular place.” *Ross*, 676 N.W.2d at 303 (quotation omitted).

Probable cause can be established by information provided by a private citizen. *State v. McCloskey*, 453 N.W.2d 700, 702-03 (Minn. 1990) (citing *Illinois v. Gates*, 462 U.S. 213, 238 (1983)). In such cases, our analysis turns on the informant's reliability and how they learned the reported information (their "basis of knowledge"). *State v. Cook*, 610 N.W.2d 664, 667-68 (Minn. App. 2000) (citing 2 Wayne R. LaFave, *Search and Seizure* §§ 3.3(b), (d), (e) (3d ed. 1996)), *rev. denied* (Minn. July 25, 2000). I agree with the majority and the district court that the CRI's reliability is not in question. Accordingly, whether probable cause supported the search of Mosley's vehicle turns on the CRI's basis of knowledge. The tip itself resolves this issue.

An informant's basis of knowledge can be supplied in two ways. First, they may supply direct, first-hand information, "such as when a CRI states that he purchased drugs from a suspect or saw a suspect selling drugs to another." *Id.* at 668 (citing LaFave, *supra*, § 3.3(d) (stating "the surest way to establish a basis of knowledge is by a showing that the informant is passing on what is to him first-hand information," such as "when a person asserts that he recently saw or smelled certain items which are evidence of crime at a certain place"))). Second, they may provide "self-verifying details that allow an inference that the information was gained in a reliable way and is not merely based on a suspect's general reputation or on a casual rumor." *Id.*

Whether information provided by an informant is sufficient to establish probable cause depends on the totality of the circumstances. *Munson*, 594 N.W.2d at 136. "[I]ndependent corroboration of even innocent details of an informant's tip may support a finding of probable cause." *Id.* (citing *Gates*, 462 U.S. at 244-46). An informant's

statement that they observed an event first-hand “entitles [their] tip to greater weight than might otherwise be the case.” *Gates*, 462 U.S. at 234.

When asked what information he received from the CRI, Sergeant Schroeder testified:

The informant contacted me and told me that he or she had personally observed a male in possession of a firearm inside a vehicle. I was provided the description of a vehicle, which was I believe a tan SUV, I don’t recall the make or model, and specifically a license plate. The license plate is listed in my report. I don’t recall that off the top of my head. I was given a location of the vehicle, which was at the Winner Gas Station, which is located at 626 West Broadway, Hennepin County. And that this person was selling marijuana and possessing a firearm with an extended magazine.

He further stated that the CRI described the person as a Black male in his mid-20s and said the man was alone in the vehicle. Moreover, the CRI relayed this information to Sergeant Schroeder as they were observing it happen—“right then and there.” The district court did not question Sergeant Schroeder’s credibility. And the tip reveals that the CRI had first-hand knowledge of the information he provided to Sergeant Schroeder. As such, there is no need to infer the basis of the CRI’s knowledge by verifying specific details the CRI provided. Yet, the police did just that, arriving at the described location (a known gang-controlled drug market) within a short enough period of time to find the specific vehicle and its single occupant, as the CRI described. Under the totality of these circumstances, I



easily conclude that there was a fair probability that contraband—marijuana and a handgun—would be found in Mosley’s vehicle.<sup>1</sup>

The district court cited *Cook* and *Munson* to support its conclusion that the CRI’s information was not sufficiently predictive or corroborated to establish probable cause. This reliance is misplaced. Neither of those cases involve a CRI who had first-hand knowledge of the information provided. In *Cook*, a CRI told police that Cook was selling drugs at a specific location and hiding them in the waistband of his pants. 610 N.W.2d at 666. The CRI provided a detailed description of Cook and the vehicle he was driving and told police Cook’s present location, a YMCA. *Id.* Wholly absent from the CRI’s account is any reference to how the CRI gained this knowledge.

Likewise, *Munson* involved a CRI whose basis of knowledge was not revealed in the tip. 594 N.W.2d at 132. But the warrantless vehicle search was upheld because police corroborated many of the details—including predictive details—the CRI provided. *Id.* at 136. And the police obtained additional corroboration when they conducted an investigatory stop of the vehicle. *Id.*<sup>2</sup>

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<sup>1</sup> It is a crime to possess a handgun in a motor vehicle without a permit to carry. Minn. Stat. § 624.714, subd. 1a (2020). And the possibility that Mosley had a permit does not defeat probable cause. *State v. Williams*, 794 N.W.2d 867, 872-73 (Minn. 2011) (explaining that holding a permit is an affirmative defense to a violation of Minn. Stat. § 624.714, subd. 1a, not an element of the offense, and upholding warrantless search of a vehicle when driver’s permit status was unknown).

<sup>2</sup> As in *Munson*, the Minneapolis police could have effectuated an investigative stop before arresting Mosley and searching his vehicle. But the law did not require them to do so.

Mosley and the district court are correct that the police in this case did not corroborate as many details as the officers did in *Cook* and *Munson*. But they did not need to do so. The CRI made it clear that they had direct, first-hand knowledge of the information. There was no need to infer whether the CRI gained the information “in a reliable way.” *Cook*, 610 N.W.2d at 668. Again, I conclude that this fact is evident in the tip itself.

In short, the district court erred by holding the state to a higher burden than the law requires. The circumstances here do not require an inferential assessment of either the CRI’s reliability or their basis of knowledge. That the CRI may have had questionable motives and did receive money for providing the tip does not change the fact that, under *Ross*, they were deemed reliable. Likewise, the CRI’s direct observation of the facts they reported obviates the need to assess whether self-verifying details allow an inference that the CRI gained the information in a reliable way. *See id.* (stating that a CRI’s basis of knowledge may be supplied in two ways: directly (by first-hand information) or indirectly (through self-verifying details from which it may be inferred that the CRI obtained the information in a reliable way)). No inference is needed.

Based on the totality of the circumstances, including the CRI’s reliability and their direct, first-hand knowledge of the information provided, I conclude that there was a fair probability that contraband would be found in Mosley’s vehicle. Accordingly, I would reverse the district court’s suppression order.